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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,422	11/10/2003	Kjeld K. Christensen	136922002510	5162
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MORRISON & FOERSTER LLP			ALPHONSE, FRITZ	
755 PAGE MILL RD			ART UNIT	
PALO ALTO, CA 94304-1018			PAPER NUMBER	
			2133	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,422

Applicant(s)

CHRISTENSEN, KJELD K.

Examiner

Fritz Alphonse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>13</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: claim 8, line 1 recites the typo “**where** the compact disc...” Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-16 and 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (U.S. Pat. No. 5,809,006).

As to claim 14, Davis (figs. 6 - 9) discloses a compact disc comprising of: program material (fig. 6; col. 8, lines 50 to col. 9 line 3); a copy protection data (col. 10, lines 9-30), and data identifying the copy protection data, whereby a compliant test apparatus reads the data identifying the copy protection data (col. 4, lines 39-63).

As to claims 15-16, Davis discloses a compact disc, wherein the copy protection data is in the lead-in area of the compact disc and, wherein the copy protection data is in the Q-Channel portion of the compact disc (col. 10, lines 4-12).

As to claim 1, method claim 1 corresponds to apparatus claim 14; therefore, it is analyzed as previously discussed in claim 14 above.

As to claims 2-6, Davis discloses a method, wherein the copy protection data is not readable by compact disc readers (col. 3, lines 34-50); copy protection data is applied in the lead-in area and a Q-channel (col. 10, lines 4-12).

As to claim 7, method claim 7 corresponds to apparatus claim 14; therefore, it is analyzed as previously discussed in claim 14 above.

As to claims 8-10, Davis (figs. 5 - 9) shows a method, where the compact disc (512) is one of a CD master, CD stamper, or production CD, and wherein the copy protection data identifies a particular copy protection scheme; the copy protection data identifies a particular supplier of the copy protection scheme (col. 10, lines 9-30).

As to claims 11-13, method claims 11-13 correspond to apparatus claim 14; therefore, they are analyzed as previously discussed in claim 14 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. Pat. No. 5,809,006) in view of Kono (U.S. Pat. No. 5,305,296).

As to claim 17, Davis (figs. 5 - 9) discloses a compact disc test apparatus comprising: an EFM demodulator (526) coupled to receive the EFM signal and processes the EFM signal into subcode data, the subcode data containing the copy protection data and identification data (col. 8,

lines 10-28); and a subcode processor coupled to the EFM demodulator that receives and reads the subcode data (col. 12, lines 59-65).

Davis differs from claim 17 in that he does not specifically disclose a demodulator that receives signals from a compact disc under test.

However, in the same field of endeavor, Kono (fig. 1) discloses a recordable optical disc including a demodulator (12) that receives signals from a compact disc (1) under test (col.7, lines 11-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Davis' copy protection apparatus with the optical disc, as disclosed by Kono. Doing so would provide a method of recording information on a recordable optical disc while shortening a period of time required by test recording prior to the recording of information in a program area of the recordable optical disc.

As to claim 18, Davis (fig. 12) discloses a compact disc test apparatus comprising: a test equipment interface to the subcode processor, whereby the test equipment interface outputs copy protection information to an operator (col. 12, lines 59-65).

6. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Kono and further in view of Malakapalli (U.S. Pat. No. 5,305,296).

As to claims 19-22, Davis (fig. 12) discloses a compact disc test apparatus comprising a test equipment interface a subcode processor. Davis does not explicitly disclose a first and a second CRC contained in a sector of the compact disc. However, the limitations are obvious and very well known in the art, as evidenced by Malakapalli (col. 7, lines 38-56).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine improve upon the mass storage error correction and detection system, as disclosed by Malakapalli. Doing so would improve data integrity and efficiency of a stored data on a disc or other mass-storage medium.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fritz Alphonse

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May 12, 2006



GUY LAMARRE
PRIMARY EXAMINER